

## NEWINGTON TOWN PLAN AND ZONING COMMISSION

### Regular Meeting

May 14, 2008

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

### **I. ROLL CALL**

#### Commissioners Present

Commissioner Fox  
Chairman Hall  
Commissioner Kornichuk  
Commissioner Pruet  
Commissioner Schatz  
Commissioner Camerota

#### Commissioners Absent

Commissioner Pane  
Commissioner Ganley  
Commissioner Niro

#### Staff Present

Anthony Ferrero, Town Engineer

Commissioner Camerota was seated for Commissioner Pane.

### **II. PUBLIC HEARINGS**

#### **A. Petition 25-08 – 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Amending of Special Exception Petition 03-05, “changes to architectural elevations”. Condition of Approval granted March 23, 2005, R-20 Zone District.**

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy, I'm a professional engineer and principal with the firm of Hallisey, Pearson & Cassidy, here tonight representing Three Angels Church. I was the site engineer when this site plan was originally approved back in 2005 and since that time we have obtained a building permit to start construction of the foundation which has occurred out there, and from there the project has been on hold. What I am here to do this evening is to review what I have for site changes on my site plan, but I also have Regina Winters with me, who is now the project architect for this and she is going to go over what has changed on the building, seeing that was the Special Permit part of this application. Just a little bit of history as to why we are at where we're at. When we initially did this project there was a contractor involved that represented the design of the building, obtained building permits for it, unfortunately he was never able to produce plans that were able to obtain the actual building permits for construction, and also was not able to perform the contract to actually construct the building, kind of left the Church holding the bag, not able to finish the project. Since that time they've worked with another architect to actually come up with plans that they can get a building permit with, worked with another contractor so they can get pricing that they can realistically build

this building at this point, and with that, I'm going to turn it over to Regina so she can go over the architectural changes to the building, then I will hop back up and go over what has actually changed in the site plan at this point.

Regina Winters: Good evening, my name is Regina Winters, I'm a principal of Zared Architecture in New Haven, we're at 233 Blatchley Avenue in New Haven. Like Jim said, we were called by the Church to resurrect a project that had been stalled for some time, and we have made some changes, minor changes to the façade of the building, based on cost constraints and availability of materials and things like that. I just want to show you what those changes are and then if you have any questions at the end, I'll be happy to answer them.

I'll show all four facades, the changes to this particular façade are minimal, but you will begin to see two things which probably constitute the largest changes to the building. One is this area here, and that will be seen from this side of the building, which will house an air handling unit. There are actually two air handling units for this building, the new building. Two because of the division of types of spaces, you have your assembly spaces as well as your office spaces, and the loads which are required to be accommodated based on the design of the building and the layout of it.

The other thing which you will begin to see here which will appear in greater detail in other elevations is the top of a vent for the commercial kitchen which is proposed for the design but is not intended to be fully executed until such time as the church has moved in and is operating their kitchen.

In this elevation you see that vent which is the commercial vent for the commercial stove, and the cap at the top. I have a detail of the actual unit that goes up there, but we figured that would be a picture, and you see in this elevation the alternate space for the air handling unit, no, that's not right, that's actually a stair down to an acceptable means of egress on the lower level. This is the space for the alternate air handler unit. Those are the main changes. One other thing is the windows on the façade, on the original design there were half circles at the top of all of these windows, mainly because of cost that particular detail was eliminated but we believe that we did come up with as pleasant a substitute for the windows on that façade as possible, and these are the ones that the Church would like to go with, going forward.

The last thing that I will show is a rendering that we did of the Church, actually the front of the Church as seen from the two corners, the two streets which form the corner. The view is actually from lower down than would be viewed from the sidewalk at the street, but generally locates all of the different elements. The enclosures would have vinyl enclosures for the two air handling units and landscaping around those so that they will be pretty well concealed. This is the stack for the commercial oven vent and on one of these, we have some more information on that. Folks might be accustomed to seeing this, like a stainless steel cap on commercial vents and things like that, which you know, can be unsightly, but we've come up with a cap so that vent, this is, just wanted to explain some of the windows, and the color schemes and things like that, but this is a much more muted and smaller cap for the vent for the commercial oven, again that will not be installed until there is actually a kitchen running there, but at the end of the day we think it will be a lot less imposing on the view of the façade.

Chairman Hall: I think we are going to do the architectural elevations now and then we will deal with the site plan changes, because that is Petition 26-08, a little bit farther down, but if you want to give us a preface at this point, and then be in more detail when we get down to that point?

Jim Cassidy: Okay. I have a copy of Ed Meehan's comments, or recommendations and the only thing that I pick up on that is under architectural and really pertains I think more to site plan, he mentions the need for the handicapped ramp, why is it, so that is what I just wanted to go over briefly. The building is a two story building and what we have done on the original site plans and the proposed site plans is that we tried to work with the topography out there. There's a difference in elevation from 117 to about elevation 92 down at the lower portion, so we are

working it so that it works into slope, so we can have a lower level entrance and an upper level entrance. On all site plans that we have ever submitted for this project, the original one that was approved, we've always had a handicapped ramp. Ed mentions later on in the report that he needs an explanation of the need, all of a sudden, for the handicapped ramp. In addition to, in the original design, to make the elevations work, not to have to excessively long of a handicapped ramp, the original architect, or designer that was working on the project proposed to have a portion of the handicapped ramp inside the building. If you take a look at the original proposal, the base floor was at elevation 100.5, he had ten foot floor to floor height, our grade outside was 102.5, so we had two feet difference in elevation from the grade outside at the bottom of the ramp to the inside, so he was making up the two foot difference with the ramp inside in a way that he was going to be able to accommodate it with the flooring system in there. Unfortunately again, he couldn't come up with the actual plans to do it, so we had to go back. On this particular plan, you'll see this yellow area, that was a thirty foot section of handicapped ramp with a five foot landing at the top. Now that we are into the actual design, we have an actual foundation in place, this is the updated grading plan for what is actually happening out there. The foundation is in place, now the architect and the structural engineer come into play and they are coming up with the actual designs as to how this thing is actually going to be built, and we find out that actually the flooring system is lower in the basement so the new floor elevation basement is 99.7, and the finished floor elevation is going to be 110.7, so now we are looking at making up about eleven foot difference in elevation from floor to floor. In addition to, for the framing system for the floor, and for the roof height or ceiling height that you need within the building, we're only able to accommodate a fifteen inch difference in grade, from the grade outside to inside, so we can't have as much of a handicapped ramp inside, so I have to make that up some place. So, what we had to do was to extend the length of the ramp so now at this point we have forty-two feet of ramp section, plus, per ADA requirements, I'm not allowed to have over a thirty foot segment of ramp without a landing, so we had to pick up an additional five feet for a landing in this area, so the ramp gets extended further to the east to make every thing work out there. In addition, I guess I can go over this in the next part, site plan, but you will notice there are some difference in grades in the stairs, the stairs also got longer, but I can explain that during the site plan portion, but that is basically why there is a change in the ramp at this point, this that they were promised before just couldn't work out.

Chairman Hall: Is that it, at this point for the presentation of the architectural changes? Okay. Staff report, I think we all have a copy of the previous approval, and then a little bit of background that Ed has actually printed up for us including warrantee deed from the last time. They had to come back because it was stated that if they had any architectural changes that it would have to come back before this Commission and public hearing, and that is why there are here this evening.

Tony Ferraro: If you need comments pertaining to anything that is not in the staff report....

Chairman Hall: Well, just a general overview. Is there anything that they have said that needs a little bit more explanation from staff side, or anything that they may have left out that we need to know?

Tony Ferraro: As far as anything that has been stated so far I believe it is consistent with what has been presented to staff. I know there was a comment, there was a photograph shown of the stack vent, I don't think the sizing of it was given, which would give the Commissioners a concept of what we are talking, something that is two feet high, or four feet high.

Regina Winters: The actual cap to the vent is 29 inches in diameter and 29 inches high. It is, in this elevation fifteen inches of it is concealed by the stack we built around it. There is a vinyl cover on the stack, but you only really see the top of it, and we are able to access it from the

back, it has a access panel that you can get access and clean it, but you can only see the very top of it, you can see sixteen, seventeen inches of it.

Tony Ferrero: As far as changes between the original application and the architectural changes, of course what is a major change is the mechanical systems that were previously interior and now will be exterior and as indicated would be screened in according, so these are the visual impacts that are major changes to what was previously approved by this Commission.

Chairman Hall: Okay, thank you. Are there any questions from the Commissioners?

Commissioner Fox: Through the Chairman, to the architect, the mechanicals, now they are all screened in by vinyl, but what is the approximate noise level emitted by those?

Regina Winters: That's a good question, and I don't have the exact answer to that right now, but I know that there are codes with respect to exterior noise levels particularly when you consider handlers and things like that, and I'm positive that we are below the maximum that the code requires.

Commissioner Fox: Thank you.

Chairman Hall: Other questions?

Commissioner Schatz: The mechanicals were, before were inside the building?

Chairman Hall: Right.

Commissioner Schatz: Wow, whoever designed something like that? I never heard of that before.

Chairman Hall: Any other questions? Just for clarification, if you wouldn't mind, if you would hold up the different boards so that we can have everybody make sure that they know the orientation. When you say this is north, we're actually talking Pane Road, so that is the site that we would see, or the side that we would see from Pane Road. This would be what we would see coming up the hill, Pane Road would be coming up here, and Church Street would be in the back. Okay, so this is the side, and that is where the portico is?

Jim Cassidy: This is the portico.

Chairman Hall: So over here on the left is Church Street?

Jim Cassidy: Yes.

Chairman Hall: Okay. Then there was another one, I think. Then we have the west side, this is Church Street.....

Jim Cassidy: This is looking from Church, this is the depressed area for the air handling units, this would be the stack for the commercial kitchen down below, with the vent on top, as stated it's in a wood framed vinyl sided structure, so it is more of chimney than just a stainless steel stack going up the side of the building.

Chairman Hall: And this is what we would see if we were in the parking lot? And then the ramp is over here that would eventually end up at those double doors?

Jim Cassidy: Correct.

Chairman Hall: Okay, everybody familiar with that now?

Jim Cassidy: And then, on the colored one.

Chairman Hall: That again is from the intersection of Church and Pane.

Jim Cassidy: Standing here, at the intersection, looking at this corner of the building, looking at this corner, again this is the stack for the commercial kitchen vent, this would be a four foot high vinyl fence, with an ornamental top, that screens the mechanical units, air handling units, at the southwesterly corner of the building and this would be the other well for the other mechanical units that are at the northeasterly corner of the building. So they are both screened with fence, in addition to, you'll notice that there is a bunch of arborvitae planted along them, so that adds additional screening, both in this location, you will see on the site plan, and also in that location for additional screening.

Chairman Hall: I just have two more questions, how tall is the spire?

Regina Winters: It is twenty feet from the roof.

Chairman Hall: Twenty feet, and the stack that you need for your vent for the future stove, the exhaust fan, does that have to have a foundation under it?

Regina Winters: No.

Jim Cassidy: No, correct me if I'm wrong Regina, but there is a stainless steel pipe that is inside of it, it would almost be like the old....

Chairman Hall: Like a flue.

Jim Cassidy: Right, and rather than just having the typical flue outside of the building, we decided to put this wood structure around it to make it more like a residential chimney.

Chairman Hall: Right, and then you'll enclose it in vinyl?

Jim Cassidy: Right, to match the building.

Chairman Hall: Any other questions?

At this time, is there anyone from the public wishing to speak in favor of this petition. If so, come forward, state your name and address and speak into the microphone so everyone can hear.

Al Chapman: Hello, my name is Al Chapman, I'm the current acting Chairman of the Building Committee for the Three Angels Church. We have gone through a lot of effort to rectify the issues that have existed in the past, but the building process with our management of the process, we have been more actively engaged. We went through an exhaustive process to secure an architectural firm that had the licensing, professional representation, experience and capabilities to bring this project to fruition. We feel that what they have done adequately represents what we would like to present to the Town of Newington, and would actually present a presence that would be an accent to the community at large. We are committed to the Town of Newington. We are committed to meeting the needs of the community and addressing whatever needs the community at large has with our process, with building, with what has been done with the changes, and the committee in working with the Fire Marshal, with Planning and Zoning, with

the Town Engineer, with the Building Inspector, whomever, and we are asking you to hold us accountable as we hold each other accountable for what is done on this site from now forward. That what is done meets code, that what is done is what is expected and that we all are in agreement and that we move forward. Are there any questions?

Chairman Hall: Thank you.

Anyone else wishing to speak in favor of the petition? Anyone wish to speak in opposition?

Come forward, state your name and address please.

Frank Aieta, 595 Church Street: I'm an abutting property owner. I own approximately my house and four and a half acres of land that is adjacent to this piece of property. I am totally against all of the changes that are presented, as a matter of fact, I'm totally against the whole project as presented. We came here three and a half years ago, three years ago, we ironed out a plan that the neighborhood could agree with, now they came out there and in three and a half years this site is a travesty. When they come up and talk about being neighborly, this in my opinion has not been neighborly as far as I'm concerned since I'm directly affected since I live right across the street. The changes that they are proposing and I can point them out that are particularly upsetting to me, is one putting the mechanicals directly across the street from my house. They can't give you the decibel levels of what kind of noise that I'm going to hear, number two, if you look at the plan, this structure that they are putting there, to put the mechanicals is over the building line. They come here with half information. What is the, what am I going to hear when these things kick in at three o'clock in the morning? When I am directly across the street. A thirty-six year resident of this town, I don't want to hear it?

Then, is this a church or a commercial restaurant, it's either one or the other because when they came in before they were talking about a small kitchen that would, you know, they blew it off, now they are talking about they have to have a stack to vent out the kitchen, then you are talking about a commercial kitchen. Is this a restaurant or is this a church? Let this Commission remember that the problems that we had with the residents with Krispy Kreme, smelling the grease and the other things. I live directly across the street from this building.

They made changes, the changes that are being made to this property are because of the inadequacies of the construction that has already taken place on this property. My neighbor will come up and he has a full report, what we've seen over the last three years as far as what happened in the construction process. The inexperience of the people who were out there, they caused more problems that are insurmountable, they moved earth in the condition that anybody in the construction industry would cringe at, and I personally look at this and I say, who's at fault here, maybe it's not the church people, maybe it's the town. Where was the town when the foundation was poured? The foundation is out of compliance, it's out of square, it's out of level, it's backfilled, it's pushed off the foundation, has voids in it. I'm talking to the Town Planner, his suggestion and the town Building Inspector is that the foundation has to be taken out, that you can't even use the foundation. They filled, they moved dirt on the project to the extent of six or eight feet and they never did it in lifts, they never compacted, you've got unstable conditions out there that, I don't know how you are going to put a parking lot on it. Another area that I'm very concerned about is this parking spaces right here, these lights are going to be shining into my house. We talked about it, the original plan had a driveway here, we ironed it out on the original plan not to even have the driveway here. The main entrance was going to be on Pane Road. Now we see that they came back and they have these parking places at a height that is probably ten feet off the roadway, directly in line with my house. I'm against that, and I'm against the whole plan. They haven't demonstrated to me over three years that they even have the capacity to do this project, and we have to live with it. As neighbors we've lived with this travesty for three years. How many more years is it going to take before this thing is finished? We thought we had come here and we thought we had ironed it out three years ago, I was expecting that this thing,

they would be using it in three years. I'm in the construction business, I saw what went on here, it's I don't know, the problems out there are insurmountable. I'm against this project in its entirety.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition? Come forward, state your name and address please.

Michael Roche, 604 Church Street: I am the adjoining property owner for this project. I can only say that I'm in full agreement with Mr. Aieta when he came up and let me go into more detail in regards to some of my concerns as the adjoining property owner. I'll read it verbatim, I stand again in front of this committee after three years plus of waiting for substantial work to be done on this project. It's kind of hard to believe that any town would allow this project to be at the state of where it is today. I've been in the construction business for thirty-five years. I'm employed by a national construction firm, I'm the director of operations. I can sit here and tell you folks tonight that if my firm acted upon this there would be some serious implications going on at this point. I've been very patient. When we met with this board in the very beginning, we welcomed this facility to the neighborhood. As long as they built, in keeping with the neighborhood, well, folks, I've got a hole in the ground and a foundation and I feel that at this point I'm living next to a landfill and the Berlin Turnpike has been relocated next to my home. I've been a resident of Newington for thirty plus years. A list of the improprieties that are involved in this project are still in existence, they haven't gone away by a site plan or a nice looking rendering. Some of my concerns I will present to you folks tonight. Where is the financing on this project? Where is the bond? Where is the performance bond that should have been demanded upon? Why is it for me to stand in front of this committee to ask these questions after two years? The drainage easement I guess has been taken care of, as far as the connection to the adjoining property owner so we won't go into that. The condition of the site is still in a deplorable state. The liability issues that are circompasing this whole project, are immense. Today, after three years they have the audacity to show today and put a snow fence up around the foundation. Where has the town been for three years in regards to these issues? God forbid if one of the neighborhood kids falls in, fell into this foundation. What would happen then? There are plenty of problems going on beside my concerns as a property owner. The concept of what Frank brought up as far as the backfill of this property, I'm in full agreement with him. There is no compaction, there is no lifts, and there was no compaction done within the lifts, a minimum requirement for stabilization of the soil, especially when it is backfilled. It is not there. The changes that are in front of all of us tonight are totally unacceptable to me, again, we are making a pretty picture. Where is the approvals from the Town of Newington in regards to the acceptance of the building plans at this point? It's fine that we can sit here and talk about what should be and maybe what will be but it's ludicrous. It's been three and a half years. The exhaust system, okay, some of the information that you are looking for, that information is called STD, that's sound transmission data. Any reputable firm that is going to design a kitchen and know what the capabilities of that kitchen are, should be able to tell you exactly what the noise level is coming out of this thing. As well as the air handlers, why can't the building be designed to house the air handlers within the structure, up in the attic space? I work nationwide, we do this all the time. We're talking about restraints in regards to monetary, not my problem. Not the neighborhood's problem. I know that the board, as well as the Building Department have rules in place but I think that this project should set forth some rethinking on the Town's part, who is really to blame for this problem. All the approvals for this project only had the project in mind, I really believe that the neighborhood was at the bottom of the priority list when this project was granted the approval to start. I wonder what reaction the neighborhood would get if they all showed up at the town assessor's office and asked for a reduced assessment value on our property. You think we would get it? I don't think so. But yet, I'm sitting here now after thirty years of living in this town, raising my children in this town, and looking at this mess. And that's all it is folks, it's an utter mess. The Town of Newington should be embarrassed and if they're not, there should be reasons why they will be. Because I'll tell you what, if this continues to this point, and it goes any further with no action in regards to the Town,

there's going to be attorneys involved folks, it's not a warning, it's a promise. In my opinion, unless all the delays and changes are acted upon tonight, this project should be permanently halted and the property returned to its pre-existing state. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition to the project? Anyone else wishing to speak.

Al Chapman: I'd like to speak in rebuttal to some of the comments.

Chairman Hall: Yes, we have rebuttal by the applicant, please come forward.

Al Chapman: I agree with what has been said that there has been a lot of mis-steps and there is enough blame to go around to spread the town and everyone else. In regards to funding, before this project can come before the Town of Newington it has to go before the Conference of, the Southern New England Conference of Seventh Day Adventists. We don't operate as an entity of and in ourselves. We belong to a conference, we have fiduciary responsible to them, we are audited by them, funding has to be approved by them, and demonstrated ability to support a loan and to be able to move forward with the project financially before it can even be entertained and approved to go forward. That organization, the Southern New England Conference rolls up to the North American division of Seventh Adventists which rolls up into the general conference of Seventh Day Adventists, the World Church Organization of 14.9 million members world wide. We operate the most number of churches, hospitals and schools in the world, of any Protestant organization, so behind us, despite how we have acted irresponsibly ourselves in your town, we have behind us an organization that is also holding us accountable for what we do, and is looking for us to better manage this work going forward.

We know that there is some remediation that needs to be done on the site. We agree with you.

As far as the dirt, the walls, the foundation, and before we can start any of that, work has to be done, and it will be done.

Regarding the commercial kitchen, that was our undertaking, it was not our desire to have a commercial kitchen, but from the start, the Building Inspector has told us, throughout each of the architects that we have had in place that we must equip the kitchen for commercial use, meaning fire proof walls, the hooding, the venting, because churches in the past have stated that they would only use the residential equipment and have decided as they acquired more funding to switch and then switch to commercial kitchen appliances and then not have the infrastructure to support them. So, if by any chance, we do not have to have hooding and venting, we would like to remove all of that from the project, but it wasn't our desire. We are not running a restaurant, we're not doing catering, we aren't doing banquets, or hosting any of that. We are just a small congregation and it's an onerous responsibility for us to have to do that.

The changes that relate to cost restraints, our original architect who couldn't bring the plans to fruition, had special windows that were a total waste of funding, for what they cost, when we actually started to cost out the building. The change of windows is to reflect a better use of funding within the building, and that is where the funding comes in, it's not the rest of the change, the rest of the changes are to make the design work with the site plan. Workers, yes, we have had inexperienced people on the site, people who shouldn't have been doing work that should have been done by experienced licensed trades people. Going forward, you will not see that. We have two types of volunteers. We have volunteers who will be general workers, laborers, meaning move this, catch this, keep this clean, type workers, that's us, the church members, and we also have tradesmen that are volunteering their time, licensed tradesmen acting in the trades, electricians, plumbers, framers that will be doing the work going forward, under the auspices of our general contractor Kirby (inaudible) who will be running the project, who is in attendance right now, and that will be our mode of operation going forward to completion. Upon granting of the permit, we will commence operations, I mean, our plans have been going back and forth since November of last year, we have been waiting to start back construction to finish the project and



give Newington what they have been looking for, and what we have been looking for. We project a nine month time frame with no stoppage to raise this building.

Chairman Hall: Thank you. At this time, anyone else, rebuttal by the opposition.

Michael Roche, 604 Church Street: I guess the biggest question that I have and I can appreciate your comments, and you sound very positive, I'm going to revert back to my original comments, and the first one is the most pertinent, when? I've asked and I've asked and I've asked, and I've never received anything, whether from your organization or the Town of Newington as to when. Nine months from when? Nine months from tomorrow, nine from three months, nine months from a year from now. These are very important aspects if you are an adjoining property owner. You committed tonight in front of the public as well as the committee that there has been some improprieties going on, but related pretty much to the site itself. What about me as the property owner, adjoining property owner, the mess that you left near my property with no apparent initiative to clean up. I feel like I'm living in a landfill. Everything that you have done, in the vegetative removal on the site is still stockpiled on the site. There has not been a stick, or a stump or a tree removed. It is a one hundred percent eyesore as far as myself and Frank Aieta, and very few select people who live in the adjoining corners. They are not here tonight, I wish they were, but I think I can speak loudly for the entire neighborhood that we are looking for answers, folks, we're not looking for, you know, we've done this and we've done that, and we're sorry that we did that. That's not why I'm here tonight. I want answers, because right now you folks have devalued my property tremendously. If I ever hoped to sell within any particular time frame surrounding that nine month criteria that you set forth tonight, impossibility, I would be taking a tremendous financial loss. I have major concerns here and like I said, it's a positive approach that you folks have come here tonight and possibly set some things in the direction that looks encouraging, but yet the answers and the specifics are still not there, and I'll stop with the question, when?

Chairman Hall: Okay, I think at this time, there are still some questions that are still unanswered. I think we need to keep this open and take it up again, and again, there are several people who are not here tonight that I want to have informed about it as well before we make a final decision, so it's my suggestion that we continue this.

Commissioner Fox: I agree, and I think as long as we're keeping it open I'm sure staff would like to talk to the contractors and the people involved and I personally pass the site a lot, quite often down there. I was not aware of the problems with the earth moving, no lifts, no compaction, things like that, and as far as the foundation is concerned, of course just looking at it I can't see, but Ed had mentioned, the Town Planner had mentioned that there are problems with the foundation so I think before the next hearing, the next public hearing which would most likely be in two weeks that staff go over things with the contractors and try to figure out everything that is on the recommendations and on these comments. I would like to say something really quick about the stack. I don't know if they are catering or not, but they are going to have a commercial kitchen, but I do know, and this is not in defense of the applicant or visa-versa anyway, I know that lately in this town I think it's because of the Central Connecticut Health District the way that they, the new requirements, any kitchen in a public building, whether it's a church, the VFW or any small places, need this. Just as a personal note, we have a little microwave, a little grill at the VFW which we do hot dogs, hamburgs and sandwiches. We had to stop because we couldn't afford the twenty thousand dollars that it was going to cost us to upgrade, to put in a commercial range in, so I think in that case, they are between a rock and a hard place, if they are going to have a kitchen, that's what they are going to have to do, but I do think that there are a lot of things that have to be gone over here, especially talking about a performance bond, pre construction performance bond.

Chairman Hall: Questions about erosion, fencing, and also I think we need to have a little bit more explanation as to exactly who is going to be doing the construction. Is there a construction manager, have they hired a construction firm that is ready and able to move forward with this, once they get their approval, and I think one of the big things that we need to find out is a report from engineering as to the validity, solidity, viability of the current foundation. I think with moving this along to the next meeting we'll have time to get some of those questions answered.

Commissioner Pruett: Just due to the fact that it has been in limbo here for three years, I just hope that this project has been put on the fast track to get some relief to the abutting property owners and to the Church itself. It's long overdue.

Chairman Hall: Right, it's unfortunate that they did run into the problems that they did, but at the same time, that site cannot remain in its present condition indefinitely, so, something does need to be done, and as was brought up tonight, it's a positive sign that they have come before us, they're attempting to make good on this, and let's see what we can do to help expedite this.

**B. Petition 24-08 – 133 Louis Street, Dr. Stephen C. Judson applicant, Innate Investments, LLC owner, request for Special Exception Section 6.4.2 ground sign, PD Zone District.**

Dr. Stephen Judson, 133 Louis Street: I basically am just looking to put a sign on the lawn to show our business location.

Chairman Hall: I think we all have a packet that shows us where it is, what the sign looks like. Staff, have you gone over this as far as the size, meeting the square footage requirements, the height requirements.

Tony Ferraro: Staff has done that and the sign does comply with the zoning requirements. Also I did visit the site just to ensure that safety issues were not being jeopardized, and its, the sign is greater than twenty feet from the base of the curb, and it gives plenty of visibility to vehicles existing from the two driveways that are located on that property. It's an ideal location.

Chairman Hall: Any questions from the Commissioners? I'm assuming that this is not a lit sign.

Tony Ferraro: It's called for as unlit.

Dr. Judson: Unlit, right.

Commissioner Fox: On Louis Street there, there aren't too any pylon signs on that street are there? I ask, just for conformity, I mean, is this just about the same kind of design as in the others?

Dr. Judson: Yes.

Chairman Hall: Anything else? Anyone wishing to speak in favor of this petition? Anyone wishing speak in opposition to this petition?

Mike Cassasanto, 110 Steeple Chase Drive: I live directly across the street. Actually I'm not speaking neither in favor nor opposed to this, it's basically because I do live directly across the street, I just wanted to get some more specifics in terms, one question that was important to me has already been answered, the fact that it is an un-illuminated sign. That's good, I just wanted more specifics in terms of like how high it was and stuff like that, just for my own clarification.

Chairman Hall: Okay, thank you. I think we can probably give at least what we have, you can have a copy of that so that he can see, because it will show you the height, the width, all right? Hopefully that will be of some help. Anyone wishing to speak? I don't think we need to keep this open, it's pretty cut and dried, so we will close Petition 24-08.

**III. PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

**IV. MINUTES**

April 23, 2008

Commissioner Pruett moved to accept the minutes of the April 23, 2008 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with six voting YES.

**V. COMMUNICATIONS AND REPORTS**

None.

**VI. NEW BUSINESS**

**A. Petition 26-08 580 Church Street, Three Angels Seventh Day Adventist Church, owner and applicant, represented by James Cassidy, Hallisey, Pearson & Cassidy, Engineering Associates, 35 Cold Spring Road, Rocky Hill, CT 06067, Site Plan Modifications to Petition 04-05 approved March 23, 2005.**

Jim Cassidy: Good evening again, for the record my name is Jim Cassidy with the engineering firm of Hallisey, Pearson & Cassidy here tonight representing the Seventh Day Adventist Church, Three Angels Church and what I would like to do at this point is just go over the modifications that were made to the site plan. We've already gone over the modification regarding the handicapped ramp, and why it is what it is, but I'd like to go over other explanations that were requested of me from Ed Meehan in his latest staff memo. If everyone has a copy of the staff memo, number one says explain the drainage design modification to construct a 15" drainage pipe on the adjacent property next to Pane Road system by easement. First plan is the existing site plan, or the previous site plan that was approved. All the drainage from the building, from the parking area, was discharging to the lower corner of the parking lot, then into a detention basin, discharging from this detention basin out through a 15" diameter pipe back all the way out to Pane Road where there is going to be a man hole, then run down through another forty-eight feet of 15" pipe and connect into an existing catch basin. Since such time they have contacted a neighbor and they have actually been able to obtain an easement so rather than making the run out of the detention basin along their property, they are actually going to have a twenty foot easement and cut across the corner of the adjacent piece of property, tying into the existing catch basin, eliminating the manhole out in the road, so it did basically remove some additional length of pipe, actually I think makes a cleaner drainage system and they do have an easement in place at this time to do that.

Comment number two, explain changes necessary as part of the handicapped access outside and associated with retaining walls and storm drainage system, as I stated previously, on our original plan to get into our lower entrance we had about a thirty foot section of handicapped ramp, coming down to a landing. At that landing it was elevation 102.5, off that landing there is also a set of steps that came up two and a half feet to elevation 105. So there was always a

ramp here. There is also, on the original plan there is actually a little area drain in the bottom of it because this ramp is sloping down, the stairs are sloping down, you are going to accumulate a little bit of water in it, but it was always intended by the original architect that that little area way would tie into an internal system, a perimeter drain around the building and be carried out that way. Again due to the required changes in elevations, to do the actual structure, as finally designed, we actually had to extend that handicapped ramp so now we are ending up with two sections of handicapped ramp, for a total of forty-two feet, and because we are over thirty foot length, we have to have a five foot landing in the middle of it, so it brings us up to about forty-seven feet of ramp, or about an additional seventeen feet long overall. In addition to, we had to do some re-grading of the parking lot, so we can have a five percent grade along the whole parking lot, sidewalk all the way up to this front entrance, so what it did is it lifted this portion of the parking lot, approximately, almost a foot in elevation. So now, rather than making up two and a half feet in elevation, I'm actually making up about four feet difference in elevation overall. So what it did was, I pushed the stairs out a little farther so you will notice that compared to the original version, compared to the revised version, this portion of the parking lot is actually out a little bit more to accommodate those additional steps we need to get down to that lower landing. We still, because it's a low area we need to have a little area drain in there to pick up any water, very similar to a lot of houses that have basements down below grade and have a set of steps out from the basement, up four feet to the yard outside rather than just letting the water accumulate in there, you usually have a little four inch diameter area drain to collect that water and carry it out. What's different this time with the drainage system is that rather than relying on tying in that little area drain into the perimeter drainage, like the footing drain in the building, what we actually did is we created a yard drain up in this upper area that is a deep yard drain, which would allow the area drain to connect into that yard drain and then carry by gravity all the way out to the detention basin so it's an entirely separate system, we don't have to worry about the footing drain blocking up, or failing and causing the water to back up in that recessed area for that ramp.

Comment number three, explain the changes necessary to accommodate the outside placement of the utility equipment, retaining walls and drainage. Once again, on the original design, it was anticipated that everything would be inside, but when they actually got into final design for budgeting reasons, and also one of the other important parts to mention on this is the amount of air volume that needs to be supported by this building because of the type of use, they couldn't get that big enough a unit within the building itself, so we had to go to an alternate where we put units outside the building, so we have two air handling units, one at the northeasterly corner and one at the southwesterly corner of the building. These are air handling and cooling units so what you have is the unit actually sits almost at grade, but with the unit the duct work actually comes out below it, and then comes through the foundation wall into the basement down below the floor system. So we need to create a well around these units so these ducts can come off the bottom and not be buried below grade and also an area to provide access for maintenance to those units. We understand that if just standing there, you're looking at mechanical units and they are on the two main roads for this project, it would be unsightly, so we tried to come up with a design to shade them as much as we possibly can. So we are looking at building number one, a retaining wall around those units, which is basically up to the bottom of the mechanical unit itself, and then to hide the unit itself, we are looking at putting four foot high solid vinyl fence, with colors to match the façade of the building, with the decorative one foot part along the top of the fence. In addition to, if I can flip quickly over to the site plan, I would say layout plan, around both units we are actually looking at putting a row of arborvitae in front of the fence here and then an eyebrow around that fence so that it offers additional screening from the mechanical unit enclosures. The unit on the northeasterly, I'm sorry, the southwesterly corner would be completely surrounded by the fence, the unit on the northeasterly corner would be surrounded on two sides, this lower portion would be open, just in this little section to provide access into it. There is an additional retaining wall along the uphill side of the handicapped ramp because of the height of that ramp it would also have a handrail which would consist of a fence along the top of it. So you would have additional screening for the fence that is on the top of that retaining wall to

be blocking that unit that is in that particular location. For the units themselves it was mentioned previously to these units being over the building line, we actually had to work diligently to come up with units to make sure that doesn't occur. If you take a look at the site plans, you will find that there are actually dimensions to the units themselves and that they do not encroach over the building lines, but the wells themselves are over the building lines. We had to go through a re-design on the wells when we initially submitted this it was proposed that these wells would be poured concrete walls as part of the foundation wall system, and at that point it was determined if we do that it's part of the structure, so we actually come up with an alternate design where they are actual modular block walls, so they just butt against the structure and it was the determination of zoning that with that type of design, it wouldn't be considered part of the structure, and therefore could go over the building line. So we have already been through that and settled it, this would be an acceptable means for providing these wells around these air handling units. Comment number four, explain requirement for one handicapped accessible parking space abutting Church Street right of way. Once again, as was mentioned originally on this, this is the original site plan, we have this turn around up in front. As we went through the design process, the original plan had a driveway coming off of Church Street at the front of the building and then accessing the lower parking lot and an additional driveway out to Pane Road with the circular turn around towards the south end of the building. That was eliminated per the agreement with the neighbor and we thought we were all set. We had all our handicapped spaces down below in this lower parking lot. We went to go to file for a building permit, the Building Inspector reviewed it, and he made the determination that we need to have an additional handicapped space next to our upper accessible entrance, which would be this front door right here. So we had to go back and modify the plan to provide an additional handicapped parking space up in the front here. I still don't know that I am in total agreement with it, I mean I really don't want it. The only other thing that I can do at this point is I can submit a letter to request an opinion from the State Building Inspector, to get his interpretation of it and see if he thinks it is actually required. If the State Building Inspector thinks it's required, then the only other thing we can do is we can request a modification of the regulations from the Board of Disabilities to see if they would waive that requirement. In this particular case I think it would be quite possible, two reasons. We have these spaces here, the grades are all accessible to the front door for anyone who is handicapped; we have a handicapped ramp that is going to the lower section so that they can get into that portion of the building, and once you get into the building, there is an elevator that they can get up to the upper floor, so I think we have criteria that if we need to get a modification, we could and I would gladly pursue that if that is the Commission's desire. It's not something that we want to put up there.

Then Ed's final comment regarding the site plan, is explain the sidewalk placement along the front yard of Pane Road. You look at the original plan, there's two doors off Pane Road. There are two paths. The original architect on the project had represented that those do not need to be accessible routes. They do not need to be points of, not required points of egress from the building, therefore we do not need to have a path from a public way from those doorways. After going back and getting a real architect involved in this, and getting a better look at it, it was determined that we do need to have accessible routes from the building, so therefore we have these two doors and my thought, and the architect's thought is that we come out of these two doors to a set of sidewalks and then run one common sidewalk all the way back to the parking lot. I understand that it's a lot of pavement, or it's going to be a lot of concrete sidewalk. The only other modification that we could make to it, to accommodate both the regulation and reduce the amount of sidewalk is if we just come straight out to Pane Road, we just need to get out to a public way, so in case of an emergency they can get emergency personnel in, so we could reduce the overall amount of sidewalk just by coming straight out. That is a modification that we could consider if it's the Commission's desire. With that, I think that addresses all of Ed's things that he wanted me to go over, and I'll gladly answer any questions you may have.

Chairman Hall: Any questions?

Commissioner Pruet: Do you have any idea of what the decibel levels will be of those air handling units?

Jim Cassidy: Not really, unfortunately the mechanical engineer is not here tonight, so I think when we come back for our next public hearing that is the sort of information we will have.

Chairman Hall: Any other questions? I had two. I'm sure I know the answer to this, but, that's the only place you can put those two mechanicals outside? Those two corners?

Jim Cassidy: We had a lot of go around as to where these could go, and that was what they determined to be the best location. By next meeting I can go over it again and double check and make sure there is no other place that they can go, but there was a lot of thought and you know, where the air needs to be distributed, how the duct work works, that's where they need to go to even distribute it in the building.

Chairman Hall: Actually that's it, you already answered the question about the wells being over the building line. That was another question that I had.

Commissioner Schatz: On the air conditions, you have two, is that for two different levels or, each one handles a different level?

Jim Cassidy: I'll reserve that and get back to you next meeting.

Chairman Hall: This is set up so that the lower level is basically offices and classroom and that kind of thing, and then the upstairs is the sanctuary.

Jim Cassidy: Right.

Commissioner Kornichuk: I just have one question on the parking. Those, the handicapped, aren't they awfully close to the building line? Those there.

Jim Cassidy: Yeah, it's over the building line, we actually had to shift that because originally we were too close with it.

Commissioner Kornichuk: So you are five feet off the building line now?

Jim Cassidy: No, we're five feet off the street line. That's the requirement.

Tony Ferrero: If I could just make one comment. You had some recommendations of the Town Planner in the report, however, there was one more recommendation that I believe that we discussed with the engineer which pertained to this drainage line. We were going to end it with an elbow, so the elbow is pointing in this direction to ensure that we do not have run off going onto the property on the other side.

Jim Cassidy: Let me point that out, because this is a recessed area, what I did was put another little area drain in there, this area drain is only picking up this little, about 12 x 15 foot area, and when it rains I just don't want standing water in there, so we put a little drain in here, and ran a gravity pipe out to the property line. We have a swale that was always part of the original plan, and part of the proposed plan, to convey water basically that comes from the top of the curb towards this southerly property line, that whole slope area. The swale is designed to make sure no water goes onto the property owner to the south, and in going through the review process with the Town, there was a recommendation, is there some way we can do something else with this pipe, bend it, originally I think we were talking about extending it almost all the way down to the

detention pond, bury it. What I came back and represented to the Town is, yes you are looking at from a four inch end of the pipe, it's not a big pipe you're looking at, but my primary concern is, if you take a look at all this area, it's draining down to the swale, much bigger, than that little box. So the primary function should be in the swale, I think that should be left in place, the minimal function is picking up this little area drain, discharging to that swale, so I don't think we should take and bring it all the way down to the detention basin. I agree that rather than looking at the end of the pipe we could put a couple of forty-fives on it and extend it another five feet, so it is shooting down the swale, it doesn't look like it is shooting onto the neighbor. But, I want to keep the swale in here just to make sure that no water from this project goes onto the property owner to the south.

Chairman Hall: Any others? And that little drain that is up there is not in a walk way did you say? I thought originally it had been.....

Jim Cassidy: This one? That's in the landing.

Chairman Hall: Oh it is in the landing.

Jim Cassidy: It goes to a yard drain that is outside the landing, and again, when we revised the plans, my thought was, I'm not going to rely on the perimeter footing drain to tie an area drain into. If the perimeter drain fails, clogs, they are going to have water problems in that area, it's going to come into the building. Built an entirely separate system just for that little area drain and also for the little piece of landscaping right here that will get picked up by the yard drain that is in that location, so not connected to the footing drain, it's totally self supported.

Chairman Hall: And what is the elevation of the entry on that side?

Jim Cassidy: The elevation of the entrance on this side is 100.25. The parking lot up here is 105.4.

Chairman Hall: Any other questions. Anything else that you want to add Tony?

Tony Ferrero: No there is not.

Chairman Hall: Thank you very much.

**B. PETITION 20-08 – 29 Costello Place, Rafael Amaya Architects, applicant, DPP Investments, LLC owner, request for Site Modification to add to existing building PD Zone District. Postponed from April 23, 2008. Sixty five day decision period ends June 13, 2008.**

Rafael Amaya: Good evening, my name is Rafael Amaya, I'm a registered architect, licensed in the State of Connecticut and I'm here today on behalf of DRP Investments LLC. They are the owners since January of this year. We originally obtained P and C permits for construction back in October of 1986 and they built shortly thereafter. The existing building is an 8800 square foot engineered building type structure in a PD zone District. Currently the building consists of two stories of offices to the front for a total of 2860 square feet per floor and parking and storage space to the back, served by three twelve foot high overhead garage doors at the rear. DRP Investments consists of Mr. Robert and Derek Piscola, who are brothers. They each own independent businesses and purchased this structure with the intent of relocating their businesses here. They both occupy the first floor with their respective offices. Mr. Robert Piscola owns a construction company which is now housed in the southwest side of the building, this side. The northwest side houses Mr. Derek Piscola's office which is dedicated to providing

software engineering. Both companies have a similar structure in so far as they have a need for executive offices to the front of the building and storage to the rear. These needs are basically satisfied with the current layout of the building. The proposed renovations and additions and the reason that we are here tonight consists of extending the second floor to the rear of the property thereby locating business rental space and services upstairs, and at the same time adding a 40 x 96 foot structure at the rear of the property with the purpose of replacing the garage storage space taken from the original building. Let me clarify that. Right now the original building had offices on the front, up to here, about a third of the footprint of the building on both stories, first and second floor, and the rear was overhead doors so in this facility you could park trucks and so on and so forth. They had a landscaping business and also an excavator so they had a small office in the front and the rear was to house their trucks.

The current owners are occupying this space here, as I said, the front office, the front area is executive offices and the back is basically storage. So the addition proposed in the rear is to replace the parking areas that were taken over when they took over. Now the second floor is, right now, essentially the third front of the building, is office space. The back is, there is nothing there, so what we are proposing is to extend the office space all the way to the second floor with services, entry to the front and the rear exit access to the back. Since the owners have very limited need of parking, the spaces provided particularly the ones provided to the rear of the property currently serve the needs of the office space located on the second floor. Mr. Ozzie Torres, do you want to elaborate on the parking?

Ozzie Torres: For the record my name is Ozzie Torres, I'm a professional engineer registered in the State of Connecticut and have an office on Farmington Avenue in Hartford Connecticut. I've done many projects here in town, and basically I'm responsible for doing the modification of the proposed rear parking area. The proposal is to add this building, this long part of the building with doors in the front, and then create a parking area in front of that and a circulation and also the drainage from around the building and connect to existing drainage. The, presently it's all gravel and there is a pretty good hill off the back of the parcel which collects water off from that residential zone, so we have to take care of all of that. We had spoken with the Town, the Town Engineer and staff, and they told us to take a look and see what we could do as far as detention, that we should design for a twenty-five year storm and take a look at the fifty and hundred year storm as well, and we did that, and Anthony, I have some drainage calculations for you. Enjoy. Anyway, basically what we did was we estimated the amount of run off from the existing parcel and came in with the proposed impervious surfaces. We are going to create a swale to let this water that comes off the hill just keep on going, connect into the existing catch basin and go on out so that we don't have to detain it, it would be more expensive. So what we will do is, we will collect our own water, the water from this roof, and half of this roof here, and detain it and discharge it to there will be no increase in runoff. We've provided calculations to that effect.

What we are doing is that we are taking this building, presently ties into a roof drain that comes across and goes out, so we are going to take and control some of that water, so in return we are going to give you back the other half of that new building so it all balances off pretty well. Our calculations show that we pretty much are able to do that. We have provided erosion control measures and new details for the proposed pavement, catch basins. We are proposing also a curtain drain along the bottom, toe of that slope, presently it's all a gravel parking lot but when you pave that you want to show some kind of protection for that new pavement there.

All of the utilities presently come off of Costello Place, they are going into the building in front here. That's not changing. There is electrical service to the building here and gas service. This may pose a problem to us until we mark it out in the field, but we are going to try to work our way through that. We may have to take it out this way for the storm system, but presently this is as we propose it until we do some exploratory work out there, but, or have the utility company tell us that we are in the way. Other than that, it's pretty straight forward, we've provided a twenty-five year storm detention design, and we did look at the fifty and hundred and it just gets much, much more expensive as far as these galleys are concerned. We are able to control the flow with what



we are showing which is seventy-six feet of galleys, twin systems, so you are talking thirty-eight units, four by four units underground and with a four inch orifice which is your minimum size as I recall. So if you have any questions I'll be glad to answer them.

Rafael Amaya: I just want to add that even though it's an industrial building we are making it a little bit softer. This is existing, basically a masonry block, and we are using a combination of stucco block and the existing corrugated panel on the existing building and repeating the similar theme for the garages in the rear.

Chairman Hall: Staff report, information?

Tony Ferrero: I really don't have any information regarding this project at this time. I don't believe that I've seen, or staff has seen this. It just came across our table. I just gave the drainage calculations a very quick glance and assuming, there is a summary report in there and if the calculations are correct as far as runoff, it's actually an improvement to the existing drainage system, but again, I'm just taking this verbatim without any confirmation.

Chairman Hall: Any questions from the Commissioners? So you are pretty much going to double the size of the front part and add the back part. Is that going to be a flat roof?

Rafael Amaya: This is a sloped roof. There is a ridge right here and it slopes to the side.

Chairman Hall: Any other questions? Again, having just gotten these I'm sure we will have to have review of these and make sure that everything that you have said pans out. We have until June 13<sup>th</sup> on this one, we will take this under advisement and continue this to the next meeting. Thank you for your presentation.

## **VII. OLD BUSINESS**

- A. PETITION 07-08 Faye H. Karanian, 179 Meadow Street, Newington, CT 06111 applicant request for Zone Regulation Amendment "to restore Section 6.7" formerly Interior Lots and Single Family Homes, deleted effective August 15, 2008. Hearing closed March 26, 2008. Sixty five day decision period ends May 30, 2008.**

Commissioner Camerota moved that PETITION 07-08 Faye H. Karanian, 179 Meadow Street, Newington, CT 06111 applicant request for Zone Regulation Amendment "to restore Section 6.7" formerly Interior Lots and Single Family Homes, deleted effective August 15, 2008, (Public Hearing closed March 26, 2008) be postponed to May 28, 2008.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion with six voting YES.

- B. PETITION 08-08 Faye H. Karanian, owner and applicant, 179 Meadow Street, Newington, CT 06111 request for interior lot at 179 Meadow Street Section 6.7 (proposed) R-12 Zone District. Hearing closed March 26, 2008. Sixty five day decision period ends May 30, 2008.**

Commissioner Kornichuk moved that PETITION 08-08 Faye H. Karanian, owner and applicant, 179 Meadow Street, Newington, CT 06111 request for interior lot at 179 Meadow Street Section 6.7 (proposed) R-12 Zone District. (Public Hearing closed March 26, 2008 be postponed to May 28, 2008.

The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion with six voting YES.

**C. PETITION 14-08 – Market Square, Newington Chamber of Commerce, 1046 Main Street, Newington, CT 06111 contact David Johnson, 3153 Berlin Turnpike, Newington, CT 06111, Town of Newington owner, request for Special Exception Section 3.2.8 Special Event Car Show, June 12, 2008.**

Commissioner Schatz moved that PETITION 14-08 – Market Square, Newington Chamber of Commerce, 1046 Main Street, Newington, CT 06111 contact David Johnson, 3153 Berlin Turnpike, Newington, CT 06111, Town of Newington owner, request for Special Exception Section 3.2.8 Special Event Car Show, June 12, 2008, be approved subject to the following:

1. Newington Chamber of Commerce shall be responsible for notifying businesses and property owners abutting Market Square and inform them of this event and the need to reschedule business and remove vehicles from Market Square the afternoon of the car show.
2. Newington Chamber of Commerce shall coordinate with the Police Department the hiring of officers to assist with traffic control.
3. Food vendors shall contact the Central Connecticut Health District and obtain any required permits.
4. Town of Newington Event Application form shall be completed and the required insurance coverage certificate filed with the Town Manager's office prior to June 6, 2008.
5. This event is approved for **Thursday, June 12, 2008** rain dates are June 19<sup>th</sup> or June 26<sup>th</sup>.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: This seems to be pretty straight forward, we did discuss it the last time. I know that the last time that this event took place it was very successful, and I think this pretty much covers everything. Our concern was that we wanted to make sure that the businesses were notified, that was major for us. They seem to have everything else under control.

The vote was unanimously in favor of the motion, with six voting YES.

**D. PETITION 16-08 – 21-23 Monte Vista Avenue, Paul and Raymonde M. Albert owners and applicants, request for re-subdivision duplex property, R-7 Zone District.**

Commissioner Fox moved that PETITION 16-08 – 21-23 Monte Vista Avenue, Paul and Raymonde M. Albert owners and applicants, request for re-subdivision duplex property, R-7 Zone District be approved the Commission finding that the map filed by the applicants, prepared by Richard O'Donnell, Land Surveyor, revised dated April 23, 2008, scale 1"=20' shows compliance with the Zoning Regulations and the Building Department has certified that the utility separations and firewall protection are complete.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: Again, this has become a fairly common practice in that neighborhood, for various reasons, and the biggie is that the utilities have to be separated and the fire wall protection and this has been certified by the Building Department that that has been completed.

The vote was unanimously in favor of the motion, with six voting YES.

**E. PETITION 19-08 – 26-28 Eighth Street, Sebastiano Menta owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for re-subdivision approval duplex property R-7 Zone.**

Commissioner Pruett moved that PETITION 19-08 – 26-28 Eighth Street, Sebastiano Menta owner and applicant, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111 request for re-subdivision approval duplex property R-7 Zone District be postponed until May 28, 2008 to permit time for property owner to complete fire wall separation as required by the Building Department.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with six voting YES.

**F. PETITION 22-08 – Assessor's Map SE 1552 parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Amendment Section 6.4 Removal of Earth Products and processing on site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067.**

Commissioner Camerota moved that PETITION 22-08 – Assessor's Map SE 1552 parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Amendment Section 6.4 Removal of Earth Products and processing on site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067 be approved for the temporary placement of a mobile crusher, Komatsu BR 550JR, for a period not to exceed four (4) weeks. The purpose of this equipment is to process approximately 3,700 cubic yards of material, the majority of which is to be used on-site for construction of the proposed restaurant, with drive through window service as shown on site plans entitled, "Proposed Coffee & Donut Shop, Sheets 1 to 7, prepared by BGI Land Surveyors, revised dated, April 9, 2008.

If this restaurant development project does not proceed, this temporary on-site processing approval shall be voided.

This processing equipment shall not be placed and operated at this property until the site plan mylars are signed by the Commission Chairman and the Special Exception for the drive though restaurant use, Certificate of Action Petition 23-08 is recorded on the land records.

The four (4) week period to initiate and complete the rock crushing shall begin upon the issuance of the building permit.

No rock crushing and rock removal (off site) shall be done n Saturdays, Sundays or holidays.

The hours of operation for rock crushing and removal shall be limited to 8:00 a.m. to 3:00 p.m. Monday to Friday.

The motion was seconded by Commissioner Fox.

Chairman Hall: This is pretty much a re-statement of the original application and approval that we had and again, I think it really states everything that we needed to, it has a time line, it has a beginning and an end date, and it has a process for them to commence and that is after the Building Permit is issued, and after all of the Special Exception and Certificates are recorded on the land records, so I think it's pretty tight. Anyone have any concerns with this, or see anything that we might have missed this time around?

The vote was unanimously in favor of the motion, with six voting YES.

**G. PETITION 23-08 - Assessor's Map SE 1552 parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Amendment Section 3.15.4 Restaurant Use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd floor, Rocky Hill CT 06067.**

Commissioner Kornichuk moved that PETITION 23-08 - Assessor's Map SE 1552 parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Amendment Section 3.15.4 Restaurant Use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd floor, Rocky Hill CT 06067, be approved with the following conditions:

1. As set forth in Section 5.2.7 of the Zoning Regulations this approval is conditioned on the use of this site for a restaurant with drive-through window service, as shown on site plans entitled, "Proposed Coffee & Donut Shop, Sheets 1 to 7, prepared by BGI Land Surveyors, revised dated April 9, 2008 and architectural plans entitled "Dunkin Brands Exterior Elevations and Finish Schedule" Sheets Z-01 and Z-02, David Brewer Cox Architect, dated April 15, 2008.
2. As set forth in Section 5.2.9 of the Zoning Regulations this Special Exception shall be voided if the Certificate of Occupancy for the Dunkin Donuts restaurant use is not issued within one (1) year of this approval, June 1, 2009.

The motion was seconded by Commissioner Pruett.

Chairman Hall: Any discussion on this? Again, this is a re-issuance of something that we had approved to another brand and here we are back with the new brand.

The vote was in favor of the motion, with five voting YES and one NAY (Kornichuk.)

**H. PETITION 21-08 - Assessor's Map SE 1552 parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Site Plan Modification for approximately 2,085 sq. ft. restaurant use with drive through, previously approved Petition 55-07, March 12, 2008, PD Zone District.**

Commissioner Schatz moved that PETITION 21-08 - Assessor's Map SE 1552 parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Site Plan Modification for approximately 2,085 sq. ft. restaurant use with drive through, previously approved Petition 55-07, March 12, 2008, PD Zone District, be approved with the following requirements:

1. The 6 foot chain link fence located atop the north rock escarpment shall be repaired and reset to prevent access.

2. The grading plan showing a 5 foot shelf along the top of the filled area, proposed at a 4:1 slope, shall be modified as directed by the Town Engineer and the proposed landscape plantings along the top of the proposed 4:1 slope shall be modified as directed by the Town Planner.
3. The developer shall evaluate the area of the drive through abutting the exposed rock face (northwest corner) and determine what protective measures may be necessary to prevent rock slippage falling into the drive lane.
4. Prior to the removal of the earth stockpiles along the upper part of this property the developer shall prepare a regrading plan that identifies how the remaining overburden will be stabilized. Prior to tree cutting and earth removal a pre-construction meeting in the field with Town staff is required to flag limits of clearing and stabilization measures. This pre-construction meeting shall also include marking out the proposed waterline service.
5. The developer's engineer shall certify to the Town Engineer that the site storm water system has been constructed in accordance with the approved plan. This certification shall be provided prior to the issuance of the Certificate of Occupancy.
6. Technical modifications required by the Town Engineer for construction details and drainage control shall be incorporated into the final plans.
7. Upon the signing of the site plan mylar for this drive through restaurant by the Commission Chairman the site plan approval granted July 26, 2000, Petition 34-2000 for a 2,400 sq. ft. commercial building shall be voided.

The motion was seconded by Commissioner Pruett.

Commissioner Fox: In requirement number three, I believe Bob said southwest corner....

Commissioner Schatz: Did I say southwest? Northwest

Commissioner Fox: Yeah, just to make sure it's correct on the tape.

Chairman Hall: It's pretty tight and I think one of the big concerns is that that chain link fence at the top is all ready beginning to slip a little so that needs to be reset and stabilized and of course, making sure that that rock doesn't roll down into the drive lane, which is located right next to that rock face, again, pretty tight.

The vote was in favor of the motion, with five voting YES and one NAY (Kornichuk)

Peter D'Addeo: Thank you and we have already seen that chain line fence and we are addressing it.

Chairman Hall: Thank you.

#### **VIII. PETITIONS FOR SCHEDULING (TPZ MAY 28, 2008 AND JUNE 11, 2008)**

Chairman Hall: Do you have anything on the list for the 28<sup>th</sup> or June 11<sup>th</sup>?

Tony Ferraro: I do not, not that I'm aware of.

Chairman Hall: Okay, so we will keep you apprised of that. If there is anything big coming, I'll probably give you a heads up before hand but otherwise you will see it in your packet for the 28<sup>th</sup>.

**IX. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

None.

**X. REMARKS BY COMMISSIONERS**

None.

**XI. STAFF REPORT**

A. Bond Release – 28 Garfield Street, OFI Building Site Completion.

Commissioner Fox moved to add the Bond Release for 28 Garfield Street to Old Business. The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion.

**Bond Release  
28 Garfield Street OFI  
Site Completion**

Commissioner Fox moved that the bond balance of \$32,000.00 be returned to Delta Building Corporation upon verification to the Town Planner that:

1. The graded area along the westerly side of the parking lot has been seeded and stabilized; and
2. Earth berm with arborvitae plantings adjacent to the Town's cemetery fence line be modified to permit drainage flow away from the cemetery.

The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion, with six voting YES.

**XII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary